

## Message Text

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15

ORIGIN EB-07

INFO OCT-01 ARA-06 ISO-00 L-02 CAB-02 CIAE-00 COME-00

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DRAFTED BY EB/AN:AJRIMAS:TP

APPROVED BY EB/OA:MHSTYLES

L/EB:FWILLIS

CAB:DLITTON

ARA/BR:AWATSON

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R 052143Z MAR 75

FM SECSTATE WASHDC

TO AMEMBASSY BRASILIA

INFO AMCONSUL RIO DE JANEIRO

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E.O. 11652: N/A

TAGS: EAIR, BR

SUBJECT: PAN AM CHANGE OF GAUGE

REF: (A) RIO DE JANEIRO 604; (B) RIO DE JANEIRO 677

1. AS RECOMMENDED BY CONGEN RIO DE JANEIRO (PARA 6, REF A)  
AND IN VIEW FORMAL DAC REJECTION OF PAN AM'S REQUEST,  
DEPARTMENT SUGGESTS EMBASSY BRASILIA DELIVER NOTE TO FONOFF  
ALONG FOLLOWING LINES:

"...AND HAS THE HONOR TO REFER TO THE AIR TRANSPORT SERVICES  
AGREEMENT OF 1946 BETWEEN THE UNITED STATES OF AMERICA AND  
BRAZIL, AS AMENDED, AND THE 1968 FINAL ACT. THE EMBASSY OF  
THE UNITED STATES OF AMERICA HAS BEEN INFORMED THAT THE  
DEPARTAMENTO DE AIRACAO CIVIL ON FEBRUARY 24, 1975, REJECTED  
THE APPLICATION OF PAN AMERICAN WORLD AIRWAYS TO REVISE  
SOME OF ITS SCHEDULES SO AS TO INTRODUCE A DIFFERENT SIZE  
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AIRCRAFT ("CHANGE OF GAUGE") IN RIO DE JANEIRO FOR THE

ONWARD CARRIAGE OF INTERNATIONAL TRAFFIC TO CONGONHAS AIRPORT IN SAO PAULO. THE EMBASSY OF THE UNITED STATES REGRETS THAT THIS SCHEDULE CHANGE HAS BEEN REJECTED IN SPITE OF THE CONSIDERATIONS EXPRESSED IN THE AIDE MEMOIRE OF FEBRUARY 21, 1975, BY THE UNITED STATES CONSULATE GENERAL AT RIO DE JANEIRO TO THE DEPARTAMENTO DE AIRACAO CIVIL.

"THE EMBASSY OF THE UNITED STATES NOTES THAT VARIG IS CONTINUING TO OFFER THE IDENTICAL TYPE OF SERVICE REJECTED FOR PAN AMERICAN. THROUGH THE ACCESS OF ITS INTERNATIONAL FLIGHTS TO CONGONHAS AIRPORT, VARIG CLEARLY ENJOYS A COMPETITIVE ADVANTAGE OVER PAN AMERICAN IN CARRYING INTERNATIONAL TRAFFIC BETWEEN RIO DE JANEIRO AND SAO PAULO. THE EMBASSY OF THE UNITED STATES OF AMERICA IS THEREFORE CONCERNED THAT PAN AMERICAN IS APPARENTLY BEING DEPRIVED OF A "FAIR AND EQUAL OPPORTUNITY" TO OPERATE ON THE ROUTES SPECIFIED IN THE ROUTE SCHEDULE TO THE AGREEMENT OF 1946, AS PROVIDED FOR IN PARA 1 OF THE "PROTOCOL OF SIGNATURE" TO THE FINAL AGREEMENT. AS LONG AS OTHER AIRLINES, SUCH AS VARIG, MAY OPERATE INTERNATIONAL FLIGHTS INTO CONGONHAS AIRPORT, THE SITUATION WILL CONTINUE TO BE INEQUITABLE AND VIOLATION OF PARA 1 OF THE PROTOCOL OF SIGNATURE OF THE AIR TRANSPORT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF BRAZIL (HEREINAFTER "THE AGREEMENT"). THE UNITED STATES GOVERNMENT IS FURTHER OF THE VIEW THAT TO DEPRIVE PAN AM OF THE RIGHT TO REVISE ITS SCHEDULES AS PROPOSED INCLUDING MAKING A CHANGE OF GAUGE IS A VIOLATION OF SECTION VI OF THE AGREEMENT AND THE ROUTE SCHEDULE OF DECEMBER 10, 1968, AMENDING THE AGREEMENT, TAKING INTO ACCOUNT THAT THE ROUTE SCHEDULE PERMITS SERVICE ON THE DESIGNATED ROUTES IN BOTH DIRECTIONS (PARA A) AND PERMITS ANY POINT OF POINTS ON ANY ROUTE OR ROUTES CONTAINED IN THE ROUTE SCHEDULE TO BE OMITTED IN EITHER OR IN BOTH DIRECTIONS AT THE OPTION OF THE AIRLINE DESIGNATED TO OPERATE SUCH ROUTE OR ROUTES (PARA C). IN ADDITION, THE UNITED STATES GOVERNMENT REGARDS PROHIBITION OF PAN AM INTERNATIONAL SERVICE TO CONGONHAS AIRPORT WHILE ENGAGED IN BY VARIG TO BE A VIOLATION OF ARTICLE 15 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION.

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"THE EMBASSY OF THE UNITED STATES OF AMERICA ACCORDINGLY REQUESTS THAT THE MINISTRY OF FOREIGN AFFAIRS CONVEY TO THE APPROPRIATE BRAZILIAN CIVIL AVIATION AUTHORITIES THE REQUEST OF THE UNITED STATES GOVERNMENT THAT EITHER THE SAID CHANGE OF SCHEDULES PROPOSED BY PAN AMERICAN RECEIVE ADDITIONAL AND FAVORABLE CONSIDERATION, OR THAT ALL INTERNATIONAL FLIGHTS BEING CONDUCTED BY OTHER

AIRLINES TO CONGONHAS AIRPORT BE SUSPENDED AT THE EARLIEST  
POSSIBLE OPPORTUNITY. PENDING SUSPENSION OF ALL INTER-  
NATIONAL FLIGHTS TO CONGONHAS AIRPORT, PAN AMERICAN SHOULD  
BE ALLOWED TO OPERATE ITS PROPOSED SCHEDULES TO THAT  
AIRPORT.

"COMPLIMENTARY CLOSE." INGERSOLL

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Disposition Approved on Date:**  
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